

THE COMOX VALLEY CLIMATE CHANGE CHRONICLES (9)

Earth Jurisprudence: The Bridge Between Cultures

In the spring of 2001 I got a call from the Gaia Foundation in London inviting me to a meeting in Virginia. They were bringing together a small group to meet with Thomas Berry, a cultural historian, to discuss his concept of an Earth Jurisprudence (Earth Law, Rights of Nature)

I didn't realized it at the time but the meeting was to give me something I had long been looking for—a way of creating a bridge between the earth-based Indigenous cultures of the Inuit and the Dene people of the Arctic on the one hand, and the human Euro-Canadian culture of the federal and territorial government of the Northwest Territories on the other hand.

For two decades, living and working in the Arctic, I had been walking between these diverse cultures most of the time helping the indigenous folks understand and adapt to the legal framework and policies of the non-indigenous culture. There was very little effort going the other way. The dominant white culture was in the process of trying to restructure indigenous cultures.

There were a dozen of us at the meeting. Half of us were environmental lawyers, the other half, like me, worked with indigenous peoples in various countries around the world. We were very discouraged. We were up against large corporations with huge financial resources supported by invasive laws passed by governments. We were losing the struggle and were looking for a different approach.

The agenda was the ten principles of Earth Jurisprudence outlined by Berry. He noted that when he was referring to rights of Earth he was using the term “rights” analogously. They were something like what we humans call rights but different. However, as he pointed out, just because they are analogous doesn't mean they are not real.

(At the end of this chronicle I will provide a link to an article describing the meeting and outlining the principles. Here, because of space limitations, I will briefly describe several key principles in a simplified manner.)

Origin of Rights. Rights for ourselves and for all other species that are part of Earth come from the Universe that brought us and Earth into existence. That which determines existence determines the right to exist.

Rights come from Life. The universe and Earth including ourselves and all other species are a communion of subjects not a collection of objects. “Subjects” means we all have some form of consciousness and have a self-organizing capacity. We are all capable of having rights.

The Essential Rights. Every component of Earth has three rights: 1) the right to exist, 2) the right to habitat, and 3) the right to fulfill its role within the ever renewing process of the Earth community.

Earth Rights are Primary. Human rights and laws flow from the rights of Earth and its laws. Human laws do not give rights to Earth. Earth gives rights to us humans through the universe by bringing us into existence.

Our Dependency. Rights must be seen within the context of laws guiding the natural world and the Earth community. Every member of the community depends upon every other member for what it needs for its own survival and nourishment. This mutual nourishment includes the law of predator-prey relationships.

The laws of Earth Jurisprudence seem quite consistent within indigenous cultures, at least the ones I'm familiar with. But if we have human rights, and come from Earth, how come we don't think of Earth as having laws and rights?

I think we do have this awareness, at least instinctively. When we look up from our streets and see the snow covered mountains, the soaring eagles playing in the winds and the lines of trumpeters swans honking their way across the face of the mountain; when we look out at the Salish Sea and see the orcas breaching and the salmon entering our streams during the seasonal cycles, we have a sense that there is some kind of creative order that is directing all of this.

Today a few countries—Brazil and Ecuador—have written the rights of nature into their constitutions. Numerous cities and indigenous groups have done the same thing often focusing on rivers and sacred places. (Google: Mother Earth and Earth Jurisprudence). We could do the same in our community.

Often, when the K'omoks First Nation Dancers appear at public events dressed in traditional garb, beating their drums, and singing in their native language, I think of their ancestors who wandered into this valley centuries ago after the ice disappeared. The dancers are here because their ancestors learned the laws of nature and how to survive in this valley. Their descendants have much to teach us about Earth Jurisprudence in a climate changing world. .

For further information on Earth Jurisprudence

<http://trumpeter.athabascau.ca/index.php/trumpet/article/view/106>

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